

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JULIO MELENDEZ,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	NO. 07-5159
	:	
SUPT. JOHN KERESTES, et al.	:	
Defendant	:	

ORDER

STENGEL, J.

AND NOW, this 12th day of June, 2008, upon consideration of the petition for writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for a writ of habeas corpus is DENIED.
3. There is no basis for the issuance of a certificate of appealability.¹

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.

¹ Mr. Melendez filed a Petition for Certificate of Appealability on May 9, 2008. This petition has not been accepted by the Court because it is untimely. The petition is considered untimely because it was filed before the final order approving and adopting the report and recommendation.